

HB0109S01 compared with HB0109

~~text~~ shows text that was in HB0109 but was deleted in HB0109S01.

inserted text shows text that was not in HB0109 but was inserted into HB0109S01.

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Representative Melissa G. Ballard proposes the following substitute bill:

SAFE SCHOOL ROUTE EVALUATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~}~~ **Melissa G. Ballard**

Senate Sponsor: ~~_____ }~~ Todd D. Weiler

LONG TITLE

General Description:

This bill requires a school traffic safety committee to include recommendations for infrastructure improvements in a child access routing plan.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a school traffic safety committee to:
 - submit a child access routing plan to the Department of Transportation and municipal and county highway authorities; and
 - include priority recommendations for infrastructure improvements in a child access routing plan;
- ▶ requires a highway authority to provide feedback on:

HB0109S01 compared with HB0109

- the estimated time and cost to complete infrastructure improvements that a school traffic safety committee recommends; and
- infrastructure improvements the highway authority has prioritized for the following year;
- ▶ requires school traffic safety committees to make recommendations to the local governing board for the local governing board's consideration and discretionary referral to the State Board of Education and the Transportation Advisory Committee ~~{for new approved}~~ to approve new bus routes; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-4-402, as last amended by Laws of Utah 2023, Chapters 16, 252, 343, 352, and 435

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-4-402** is amended to read:

53G-4-402. Powers and duties generally.

- (1) A local school board shall:
- (a) implement the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;
 - (b) administer tests, required by the state board, which measure the progress of each student, and coordinate with the state superintendent and state board to assess results and create plans to improve the student's progress, which shall be submitted to the state board for approval;
 - (c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

HB0109S01 compared with HB0109

(d) for each grading period and for each course in which a student is enrolled, issue a grade or performance report to the student:

(i) that reflects the student's work, including the student's progress based on mastery, for the grading period; and

(ii) in accordance with the local school board's adopted grading or performance standards and criteria;

(e) develop early warning systems for students or classes failing to make progress;

(f) work with the state board to establish a library of documented best practices, consistent with state and federal regulations, for use by the special districts;

(g) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects; and

(h) ensure that the local school board meets the data collection and reporting standards described in Section 53E-3-501.

(2) Local school boards shall spend Minimum School Program funds for programs and activities for which the state board has established minimum standards or rules under Section 53E-3-501.

(3) (a) A local school board may purchase, sell, and make improvements on school sites, buildings, and equipment, and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on local school board resolution affirmed by at least two-thirds of the school board members.

(4) (a) A local school board may participate in the joint construction or operation of a school attended by students residing within the district and students residing in other districts either within or outside the state.

(b) Any agreement for the joint operation or construction of a school shall:

(i) be signed by the president of the local school board of each participating district;

(ii) include a mutually agreed upon pro rata cost; and

(iii) be filed with the state board.

(5) A local school board may establish, locate, and maintain elementary, secondary, and applied technology schools.

HB0109S01 compared with HB0109

(6) A local school board may enter into cooperative agreements with other local school boards to provide educational services that best utilize resources for the overall operation of the school districts, including shared transportation services.

(7) An agreement under Subsection (6) shall:

- (a) be signed by the president of the local school board of each participating district;
- (b) specify the resource being shared;
- (c) include a mutually agreed upon pro rata cost;
- (d) include the duration of the agreement; and
- (e) be filed with the state board.

(8) Except as provided in Section 53E-3-905, a local school board may enroll children in school who are at least five years old before September 2 of the year in which admission is sought.

(9) A local school board:

- (a) may establish and support school libraries; and
- (b) shall provide an online platform:

(i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the LEA uses or through a separate platform; and

(ii) (A) for a school district with 1,000 or more enrolled students, no later than August 1, 2024; and

(B) for a school district with fewer than 1,000 enrolled students, no later than August 1, 2026.

(10) A local school board may collect damages for the loss, injury, or destruction of school property.

(11) A local school board may authorize guidance and counseling services for students and the student's parents before, during, or following school enrollment.

(12) (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

(b) Federal funds are not considered funds within the school district budget under

HB0109S01 compared with HB0109

Chapter 7, Part 3, Budgets.

(13) (a) A local school board may organize school safety patrols and adopt policies under which the patrols promote student safety.

(b) A student appointed to a safety patrol shall be at least 10 years old and have written parental consent for the appointment.

(c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.

(d) Liability may not attach to a school district, its employees, officers, or agents, or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.

(14) (a) A local school board may on its own behalf, or on behalf of an educational institution for which the local school board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

(b) The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.

(15) (a) A local school board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2)(b).

(b) A person may not be appointed to serve as a compliance officer without the person's consent.

(c) A teacher or student may not be appointed as a compliance officer.

(16) A local school board shall adopt bylaws and policies for the local school board's own procedures.

(17) (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.

(b) Local school board policies shall be in writing, filed, and referenced for public access.

(18) A local school board may hold school on legal holidays other than Sundays.

(19) (a) As used in this Subsection (19):

(i) "Committee" means the school traffic safety committee established in Subsection (19)(b).

(ii) "Highway" means the same as that term is defined in Section 72-1-102.

HB0109S01 compared with HB0109

(iii) "Highway authority" means the same as that term is defined in Section 72-1-102.

~~[(a)]~~ (b) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection (19).

~~[(b)]~~ (c) The committee shall be composed of one representative of:

- (i) the schools within the district;
- (ii) the Parent Teachers' Association of the schools within the district;
- (iii) the municipality or county;
- (iv) state or local law enforcement; and
- (v) state or local traffic safety engineering.

~~[(c)]~~ (d) The committee shall:

(i) receive suggestions from school community councils, parents, teachers, and others, and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;

(ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;

(iii) consult the Utah Safety Council and the Division of Family Health Services and provide training to all students in kindergarten through grade 6, within the district, on school crossing safety and use; and

(iv) help ensure the district's compliance with rules made by the Department of Transportation under Section 41-6a-303.

(e) (i) The committee shall, for each elementary, middle, and junior high school within the district:

(A) annually submit a child access routing plan to the Department of Transportation and the municipal or county highway authority that governs each highway included in the child access routing plan; and

(B) ensure that the child access routing plan complies with Subsection (19)(e)(ii).

(ii) The committee shall ensure that the child access routing plan described in Subsection (19)(e)(i):

(A) includes ~~some priority recommendations if the committee receives~~ priority recommendations for improvements to enhance safety ~~including the recommendations~~

HB0109S01 compared with HB0109

~~received by the committee~~ under Subsection (19)(d)(i); and

(B) considers the criteria and specifications established by Department of Transportation rule made under Subsection 41-6a-303(6).

(iii) A municipal or county highway authority shall:

(A) evaluate the recommendations for improvements in the child access routing plan;
and

(B) within 60 calendar days after the day on which the committee submits the child access routing plan, provide feedback to the committee on the improvements recommended in the child access routing plan, including the improvements the municipal or county highway authority has prioritized for the following year and the actions the municipal or county highway authority will take to mitigate risks and improve safety in relation to the child access routing plan.

(iv) The Department of Transportation may review a child access routing plan as resources allow and provide feedback to the committee on recommended improvements.

(v) Nothing in this Subsection (19)(e) requires a municipality or a county highway authority to implement a recommendation that the committee makes and submits in a child access routing plan.

(f) The committee ~~shall~~ may make recommendations, as necessary, to the local governing board for the local governing board's consideration and discretionary referral to the state board and the Transportation Advisory Committee described in Section 53F-2-403, to approve new bus routes.

~~(d)~~ (g) The committee may establish subcommittees as needed to assist in accomplishing the committee's duties under ~~Subsection (19)(e)~~ Subsections (19)(d), (e), and (f).

(h) Nothing in this section creates a private right of action or constitutes a waiver of immunity under Section 63G-7-301.

(20) (a) A local school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the local school board's public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The plan shall:

HB0109S01 compared with HB0109

- (i) include prevention, intervention, and response components;
- (ii) be consistent with the student conduct and discipline policies required for school districts under Chapter 11, Part 2, Miscellaneous Requirements;
- (iii) require professional learning for all district and school building staff on the staff's roles in the emergency response plan;
- (iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (20)(a); and
- (v) include procedures to notify a student who is off campus at the time of a school violence emergency because the student is:
 - (A) participating in a school-related activity; or
 - (B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent.
- (c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (20)(a).
- (d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and the student's parents and local law enforcement and public safety representatives.
- (21) (a) A local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.
 - (b) The plan may be implemented by each secondary school in the district that has a sports program for students.
 - (c) The plan may:
 - (i) include emergency personnel, emergency communication, and emergency equipment components;
 - (ii) require professional learning on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and
 - (iii) provide for coordination with individuals and agency representatives who:
 - (A) are not employees of the school district; and

HB0109S01 compared with HB0109

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The local school board, in collaboration with the schools referred to in Subsection (21)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The state board, through the state superintendent, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (21).

(22) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

(23) (a) Before closing a school or changing the boundaries of a school, a local school board shall:

(i) at least 90 days before approving the school closure or school boundary change, provide notice that the local school board is considering the closure or boundary change to:

(A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents;

(B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents; and

(C) the governing council and the mayor of the municipality in which the school is located;

(ii) provide an opportunity for public comment on the proposed school closure or school boundary change during at least two public local school board meetings; and

(iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing as described in Subsection (23)(b).

(b) The notice of a public hearing required under Subsection (23)(a)(iii) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) the date, time, and location of the public hearing;

(ii) for at least 10 days before the day of the public hearing, be published for the school district in which the school is located, as a class A notice under Section 63G-30-102; and

HB0109S01 compared with HB0109

(iii) at least [~~30~~] 60 days before the public hearing described in Subsection (23)(a)(iii), be provided as described in Subsections (23)(a)(i).

(24) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

(25) A local school board may establish or partner with a certified youth court in accordance with Section 80-6-902 or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to a youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

(26) (a) As used in this Subsection (26):

(i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.

(ii) (A) "Instructional material" means learning material that a local school board adopts and approves for use within the LEA.

(B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the local school board.

(iii) "Supplemental material" means learning material that:

(A) an educator selects for classroom use; and

(B) a local school board has not considered and adopted, approved, or prohibited for classroom use within the LEA.

(b) A local school board shall:

(i) make instructional material that the school district uses readily accessible and available for a parent to view;

(ii) annually notify a parent of a student enrolled in the school district of how to access the information described in Subsection (26)(b)(i); and

(iii) include on the school district's website information about how to access the information described in Subsection (26)(b)(i).

(c) In selecting and approving instructional materials for use in the classroom, a local school board shall:

HB0109S01 compared with HB0109

(i) establish an open process, involving educators and parents of students enrolled in the LEA, to review and recommend instructional materials for board approval; and

(ii) ensure that under the process described in Subsection (26)(c)(i), the board:

(A) before the meetings described in Subsection (26)(c)(ii)(B), posts the recommended learning material online to allow for public review or, for copyrighted material, makes the recommended learning material available at the LEA for public review;

(B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provides an opportunity for educators whom the LEA employs and parents of students enrolled in the LEA to express views and opinions on the recommendation; and

(C) adopts or approves the recommended instructional materials in an open and regular board meeting.

(d) A local school board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.

(e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.

(f) Nothing in this Subsection (26) requires a local school board to review all learning materials used within the LEA.

Section 2. Effective date.

This bill takes effect on May 1, 2024.